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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,252	03/29/2004	John W. Rohrer		2743
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John W. Rohrer Rohrer Technologies, Inc. 5 Long Cove Rd. York, ME 03909				
			EXAMINER BLAU, STEPHEN LUTHER	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,252

Applicant(s)

ROHRER, JOHN W.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/3/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a. On page 1 of the specification, the title "U.S. Patent Application", Inventors name, assignment, filing date, International classification, U.S. classification and field of search do not belong in the specification (See article 608.01(a) of MPEP). See article 714 section II (MPEP) on how to make changes to the specification.
  - b. The term rearward hosel extension is confusing throughout the specification (page 8 lines 7, 20, 24-25, page 7 lines 17, 19). There is not a hosel at the end of the rearward extension. Since there is only one hosel and the examiner believes one cannot have both a forward hosel extension and a rearward hosel extension. The examiner believes that calling that element a rearward extension of a head body from the putter face would be less confusing.

Appropriate correction is required.

2. The examiner as reevaluated the spacing of the lines in the specification and believes them to be proper.

***Claim Objections***

3. The examiner has reevaluated the spacing of the lines in the claims and believes them to be proper.

***Information Disclosure Statement***

4. Removing the listing of references in the specification and placing them on a separate sheet is agreed with and the U.S. references have been cited.

5. The information disclosure statement filed 3 August 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. A copy of cited foreign patent documents 2,255,287 and 1,129,313 were not received by the U.S. Patent Office. As such these references have not been considered by the examiner.

***Drawings***

6. The changes to the claims are agreed with and the objection to the drawings under 37 CFR 1.83(a) is removed.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term rearward hosel extension causes the claims to be indefinite. The entire disclosure shows a forward hosel extension. The examiner recommends calling this element of structure a rearward extension of a head body from the putter face. In claim 1 statement "said hosel being in a vertical plane normal to the striking face, before connecting to said golf shaft to the player side of and not in said vertical hosel plane" is confusing. It reads as if the hosel is in a vertical hosel plane but not. The drawings show the hosel extension (16) in a vertical plane but the hosel socket not in the same vertical plane. In addition, is it the hosel or hosel extension which has a top surface or markings thereon which serve as an unobstructed sight or aim line toward the intended target? The same part cannot have two names. The examiner recommends breaking the hosel into parts (i.e. hosel socket, hosel

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extension, etc...). The examiner believes it would be less confusing to state that forward hosel extension is in this vertical plane that is normal to the strikingface and the forward hosel extension has a top surface or markings thereon which serve as an unobstructed sight or aim line toward the intended target. The definition the hosel is actually the socket that the shaft is inserted to. Claims 3-6 are indefinite in that they claim "said hosel or bent shaft" yet the claim these claims depends on (Claim 1) already claimed a hosel. If a structure is already definitively claimed it cannot be taken out in a dependent claim. If a head has a bent shaft than it appears that it would not have a hosel. And it certainly is not disclosed the combination of a bent shaft and hosel.

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 3 it is uncertain about the statement "the dimension of a forward section of said hosel or a bent shaft section at or near the forward end of said hosel extends  $\frac{1}{4}$  to 1 ball diameter in a direction generally normal to said vertical plane towards a golfer". It is uncertain how to measure this. The specification and drawings do not show this measurement.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Sneed and Perkins or Gebhardt.

Stone discloses a hosel extend generally horizontally forward from a location above a face (Figs. 3, 5) located above a horizontal sole (Fig. 3), a hosel extension being in a vertical plane normal to a striking face (Fig. 5), a hosel extension having a top surface or markings thereon which serves as an unobstructed aim line toward an intended target in the form of the edge further from the side of the player (Figs. 1, 3), a rearward hosel extension in the same vertical plane (Fig. 2) at the same or differing top surface elevation of a forward hosel extension (Figs. 2-3) up to a distance rearward from a face not exceeding the width of a head (Figs. 2-3), a rearward hosel extension substantially lengthening a sight or aim line in the form of about 100% (Fig. 3), a shaft connected to a player side of a head (Figs. 1-2), and a rearward hosel extension reduced by the use of thin section materials (Fig. 1).

Stone lacks a hosel extend generally horizontally forward  $1/4$  to  $1/2$  ball diameter from a location approximately  $1/2$  ball diameter or more above an intended striking point soleplane, and a shaft not in a vertical hosel extension plane.

Sneed discloses a bended shaft extending generally horizontally forward approximately  $1/4$  to  $1/2$  ball diameter from a location approximately  $1/2$  ball diameter or more above an intended striking point (Figs. 1 and 3). In view of the patent of Sneed it would have been obvious to have a hosel extend generally horizontally forward approximately  $1/4$  to  $1/2$  ball diameter from a location approximately  $1/2$  ball diameter or more above an intended striking point in order to pull a head through impact instead of pushing a head through impact.

Perkins (Figs. 1-3) or Gebhardt (Fig. 8) disclose a shaft not in a vertical hosel extension plane. In view of either Perkins or Gebhardt it would have been obvious to not have a shaft in a vertical hosel extension plane in order to better see the alignment lines along the hosel extension.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Sneed and Perkins or Gebhardt as applied to claims 1-2 and 8 above, and further in view of Meyer.

Stone discloses a hosel or bent shaft extending in a direction normal to a vertical hosel extension plane toward a golfer (Fig. 2).

Stone lacks a normal direction extending  $1/4$  to 1 ball diameter from vertical hosel extension plane, and a shaft axis intersecting a vertical center line plane normal to



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a strike face at approximately the same elevation as a head center of gravity. Meyer discloses a hosel having a normal direction extending  $1/4$  to 1 ball diameter from vertical plane containing the center of gravity and a shaft axis intersecting a vertical center line plane normal to a strike face at approximately the same elevation as a head center of gravity (Col. 3, Lns. 4-16) in order to face balance a putter (Abstract). In view of the patent of Meyer it would have been obvious to modify the head of Stone to have a hosel having a normal direction extending  $1/4$  to 1 ball diameter from vertical plane containing the hosel forward extension and a shaft axis intersecting a vertical center line plane normal to a strike face at approximately the same elevation as a head center of gravity in order to face balance a putter.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Sneed and Perkins or Gebhardt as applied to claims 1-2 and 8 above, and further in view of Simmons.

Stone discloses a top surface of a hosel extension having an aim line in the form of thick protuberance which is approximately just over half the size of a hosel bore (Figs. 1-2 and 4).

Stone lacks an aim line of .025 to .5 inch width.

Simmons discloses a hosel bore having a diameter of .375 inch (Col. 2, Lns. 60-65). In view of the patent of Simmons it would have been obvious to include in the head of Stone a hosel bore having a diameter of .375 inch in order to utilize a hosel bore size

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used in the market place. As such a top surface would have an aim line in the form of a protuberance with a width of about .175 inch in view of figures 1-2 and 4.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Sneed, (Perkins or Gebhardt) and Simmons as applied to claim 4 above, and further in view of Klein (5,072,941).

Stone lacks an aim line having a dark finish and the remaining portion of a hosel lying above a golf ball has a light finish.

Perkins shows an alignment line which is also continuous with the shape of hosel extension (Figures 2-3). Perkins does not disclose what produces this line but clearly one skilled in the art would have selected a suitable means to produce this line in which a line formed by different painted colors or different colored materials are included.

Klein discloses an aim line having a dark finish and top surface surround the aim line having a light finish to assist the player in aligning a head (Col. 2, Lns. 44-60). In view of the patent of Perkins and Klein it would have been obvious to modify the head of Sneed to have an aim line having a dark finish and the remaining portion of a hosel lying above a golf ball has a light finish in order to assist the player in aligning a head.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Sneed, (Perkins or Gebhardt), Simmons and Klein as applied to claim 5 above, and further in view of Radakovich.

Stone lacks at least the bottom portion of a shaft connecting to a hosel not over a ball being finished with a dark color. Radakovich discloses a golf club shaft being black (Col. 5, Lns. 40-45). In view of the patent of Radakovich it would have been obvious to modify the head of Stone to have an entire shaft with the color of black in order to make it easier to strike a ball by attaching a shaft to a head and in order to utilize a known color for shafts used in the market place. As such a bottom portion of a shaft not over all ball would be finished with a dark color since the entire shaft would be black and the hosel of Stone has a lie angle so the shaft will angle away from being over the ball.

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Sneed and Perkins or Gebhardt as applied to claims 1-2 and 8 above, and further in view of Byrne.

Stone lacks a golf ball marked with a dark line of a width approximately the width of a hosel aim line along a portion of a ball's circumference which is able to be in line with a golfer's aim at a target.

Perkins shows an alignment line which is also continuous with the shape of hosel extension (Figures 2-3). Perkins does not disclose what produces this line but clearly one skilled in the art would have selected a suitable means to produce this line in which a line formed by different painted colors or different colored materials are included. In view of the patent of Perkins it would have been obvious to modify the alignment line of Stone to be a line of smaller width painted on in order to simplify the formation of the alignment line on a hosel extension.

Byrne discloses a golf ball marked with a dark line of a width approximately the width of an aim line on a head along a portion of a ball's circumference which is able to be in line with a golfer's aim at a target (Fig. 1) for more accurate putting (Abstract). In view of the patent of Byrne it would have been obvious to include with the putter of Stone a golf ball marked with a dark line of a width approximately the width of an aim line on a head along a portion of a ball's circumference in order to practice with and become more accurate in putting.

### ***Allowable Subject Matter***

18. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Conclusion**

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doran discloses forward and rearward hosel extension.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**STEPHEN BLAU**  
**PRIMARY EXAMINER**